Registration of Sikh marriages

1767. SHRI TARLOCHAN SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Anand Marriage Act of 1909 has all the provisions which are required for a proper marriage act;

(b) whether it is a fact that the Sikh community is demanding the inclusion of registration clause in this Act and the Parliamentary Committee on Personnel, Public Grievances and Pensions, Law and Justice has recommended the amendment for adding registration clause; and

(c) why the Ministry is not agreeing to this just demand, which has already been recommended by the Supreme Court?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) The Anand Marriage Act, 1909 was enacted to remove doubts as to the validity of the marriage ceremony common among the Sikhs called Anand.

(b) The Government has received a representation from a Member of Parliament, Rajya Sabha, for insertion of a clause in the Anand Marriage Act, 1909 to provide for registration of Sikh marriages. The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice held a meeting on 4.12.2007 on the issue of amendment in the Anand Marriage Act, 1909. The Committee in the light of the decision of the Supreme Court Case in Smt. Seema *Vs.* Ashwani Kumar AIR 2006 SC 1158 considered the issue of compulsory registration of marriage in the country alongwith the demand for amendment in the Anand Marriage Act, 1909.

(c) The Government is carefully examining various aspects/implications of the said judgment to consider the issue of compulsory registration of marriage in the country along with the demand for amendment in the Anand Marriage Act, 1909.

Selection of judges

1768. SHRI VARINDER SINGH BAJWA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has taken note of the criticism by legal experts, particularly by a former Law Minister, that the practice of selection of higher judiciary personnel by the collegium of the Supreme Court is fraught with many pitfalls, as the sitting judges of the Supreme Court tend to select their cronies and relatives for appointments; and

(b) if so, what is Government's reaction to such criticism and whether any action is proposed to be taken to revise the procedure for selection and by when that is likely to be implemented?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir. There has been some criticism regarding the process of appointment of High Court and Supreme Court Judges, which is being followed pursuant to the Supreme Court judgement of October 6, 1993 in the case of Supreme Court Advocates on Record and Ors. *vs.* Union of India and Ors. Read with their Advisory Opinion of October 28, 1998.

(b) There is no proposal at present before the Government to bring about any change in the present system of appointment of Judges in the Supreme Court and the High Courts.

Cases pending in Punjab and Haryana High Court

1769. SHRI VARINDER SINGH BAJWA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of cases pending in the Punjab and Haryana High Court as on 1st January, 2008;

(b) the number out of them pending for more than ten years and those pending for less than ten years but more than five years and the date since when the oldest case in the court is pending; and

(c) the steps proposed to be taken to expedite disposal of long pending cases particularly those pending for over ten years?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) As per the latest available information, there are 2,55,696 cases pending in the Punjab and Haryana High Court as on 30th September, 2007.

(b) As reported by the High Court of Punjab and Haryana, there were 2,65,072 cases pending as on 30.6.2007 out of which 68,114 cases were pending for more than 10 years and 66,473 cases for less than 10 years but more than 5 years. No information has been provided by the High Court about the oldest pending case.

(c) Government has taken several steps including deciding to increase the strength of Judges in the High Courts. Government is implementing a scheme for computerization of District and Subordinate Courts which includes upgradation of the Information and Communication Technology infrastructure of the High Courts.

Alternative modes of disposal including meditation, negotiation and arbitration have been encouraged. With a view to ensuring expeditious disposal of cases, the Civil Procedure Code has been amended, *inter alia*, limiting the number of adjournments that can be given to a party. Classification and Grouping of cases involving common question of law is also done in the High Courts for speedy disposal of pending cases.

Registration of Marriages

1770. SHRI GIREESH KUMAR SANGHI:
SHRI VIJAY J. DARDA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has implemented the Supreme Court's directive on compulsory registration of marriages in the country, issued on 25th October, 2007, giving a time-frame of three months;

(b) if so, whether the provisions of this directive has been extended to all the communities or being exercised by different States selectivity; and

(c) whether the personal laws of particular communities are at variance with this directive?